

MISC. CIVIL APPLICATION NOS.1037 OF 1986, 281/87,  
415/87 AND 442/88.

Date of decision: 14.3.1996.

For approval and signature

The Honourable Mr. Justice R. R. Jain

and

The Honourable Mr. Justice H. R. Shelat

M.C.A.No.1037 of 1986

Mr. K.S. Acharya, advocate for petitioner.

Mr. S.I. Nanavati, advocate for respondent No.1.

Mr. K.P. Raval, A.G.P., for respondent No.2.

M.C.A.No.281 of 1987

Mr. M.R. Vyas, advocate for the petitioner.

Mr. R.M. Desai, advocate for respondents.

M.C.A.No.415 of 1987

Mr. A.D. Oza, advocate for the petitioners.

Mr. P.K. Jani, Mr. Nandlal Thakkar and Mr. R.M. Desai,  
advocates for respondents.

M.C.A.No.442 of 1988

Mr. H.J. Nanavati, advocate for petitioners.

Mr. Praful J. Bhatt and Mr. R.M. Desai, advocates for  
respondents.

1. Whether Reporters of Local Papers may be allowed  
to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy  
of judgment?
4. Whether this case involves a substantial question  
of law as to the interpretation of the

Constitution of India, 1950 or any order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

Coram: R.R.Jain & H.R. Shelat, JJ.

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March 14, 1996.

Common oral judgment (Per Jain, J.)

As common question of law is involved in all the above mentioned petitions, they are disposed of by this common judgment.

Alleging non-compliance of the order passed by the Gujarat Secondary Education Tribunal, at Ahmedabad, the petitioners have filed this petition under the Contempt of Courts Act. According to the direction of the Tribunal, pay scale is to be refixed and is to be included in the pay scale of selection grade and consequent payment of difference of salary as well as pay fixation. In our view, this is purely a liquidated monetary claim and can be recovered by execution and as execution is an alternative remedy available for recovery as held by Division Bench of this Court (Coram: S.M. Soni & R.R. Jain, JJ.) in Misc. Civil Application No.1949 of 1994. Thus the award passed by the Tribunal is executable and, therefore, as alternative mode of recovery of monetary claim is available, we are not inclined to exercise our jurisdiction under the Contempt of Courts Act as a result of which we do not find any substance in any of these petitions and petitions deserve to be rejected.

In the result the petitions stand rejected. Rule discharge in each of the petitions with no order as to costs.